



Dated: December 17, 2009

Charles G. Case
CHARLES G. CASE, II
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
IN AND FOR THE DISTRICT OF ARIZONA

In Re:

DONALD JOHN FECHTER, JR. AND
DEBBORA ANN FECHTER,

Debtors.

M&I MARSHALL & ILSLEY BANK,

Movant,

vs.

DONALD JOHN FECHTER, JR. AND
DEBBORA ANN FECHTER, DEBTORS;
AND CONSTANTINO FLORES,
CHAPTER 7 TRUSTEE,

Respondents.

Chapter 7 Proceeding

Case No.: 2:09-bk-26249-CGC

**ORDER GRANTING RELIEF FROM
THE AUTOMATIC STAY**

**(Order Concerns: Real Property;
Part of APN #509-02-032E,
Queen Creek, AZ 85242)**

Movant, M&I Marshall and Ilsley Bank having filed a Motion For Relief From The Automatic Stay Pursuant To §362(d)(1) (the "Motion For Relief") and served a Notice of the Motion For Relief as required by Local Bankruptcy Rule 4001-1, no timely written objections to the Motion For Relief having been filed and for other good cause appearing;

IT IS HEREBY ORDERED ADJUDGED AND DECREED terminating any and all applicable stays and injunctions, including the automatic stay of 11 U.S.C. § 362(a), as it is applicable to M&I Marshall & Ilsley Bank with respect to the real property of Donald John Fechter, Jr. and Debbora Ann Fechter (the "Debtors") which is known as part of APN #509-02-032E, Queen

1 Creek, AZ 85242 and is legally described in **Exhibit A** attached hereto and incorporated herein
2 (the "Property") to allow M&I Marshall & Ilsley Bank to exercise its state law rights and remedies,
3 including, without limitation, conducting a non-judicial trustee's foreclosure sale of the Property.

4 **Signed and dated above.**

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL NO. 1:

The West half of the North half of the West half of the Northeast quarter of Parcel 30, AMENDED RESULTS OF SURVEY BONANZA HIGHLANDS, according to Book 2 of Surveys, page 192 and Affidavit of Correction recorded in Fee No. 1996-004063, records of Pinal County, Arizona;

EXCEPT coal and other minerals as reserved in Patent from United States of America.

PARCEL NO. 2:

The East half of the North half of the West half of the Northeast quarter of Parcel 30, AMENDED RESULTS OF SURVEY BONANZA HIGHLANDS, according to Book 2 of Surveys, page 192 and Affidavit of Correction recorded in Fee No. 1996-004063, records of Pinal County, Arizona;

EXCEPT coal and other minerals as reserved in Patent from United States of America.

Reserving unto the grantor, their heirs and their successors and/or assigns an easement for ingress, egress and public utilities over the East 15.00 feet thereof;

EXCEPT the North 50.00 feet from said East 15.00 feet.

PARCEL NO. 3:

The West half of the South half of the West half of the Northeast quarter of Parcel 30, AMENDED RESULTS OF SURVEY BONANZA HIGHLANDS, according to Book 2 of Surveys, page 192 and Affidavit of Correction recorded in Fee No. 1996-004063, records of Pinal County, Arizona;

EXCEPT coal and other minerals as reserved in Patent from United States of America.

PARCEL NO. 4:

The East half of the South half of the West half of the Northeast quarter of Parcel 30, AMENDED RESULTS OF SURVEY BONANZA HIGHLANDS, according to Book 2 of Surveys, page 192 and Affidavit of Correction recorded in Fee No. 1996-004063, records of Pinal County, Arizona;

EXCEPT coal and other minerals as reserved in Patent from United States of America.

Reserving unto the grantor, their heirs and their successors and/or assigns an easement for ingress, egress and public utilities over the East 15.00 feet thereof;

EXCEPT the South 145.19 feet from said East 15.00 feet.

PARCEL NO. 5:

An easement for ingress, egress and public utilities over the West 15.00 feet of the East half of the Northeast quarter of Parcel 30, AMENDED RESULTS OF SURVEY BONANZA HIGHLANDS, according to Book 2 of Surveys, page 192 and Affidavit of Correction recorded in Fee No. 1996-

004063, records of Pinal County, Arizona;

EXCEPT the South 145.19 feet; and

EXCEPT the North 50.00 feet.